



Brain Injury Association
of Michigan
Disability Advocates of
Kent County
Disability Network/Michigan
Michigan Academy of
Physician Assistants
Michigan Assisted Living
Association
Michigan Association for
Justice
Michigan Association of
Chiropractors
Michigan Association of
Rehabilitation
Organizations
Michigan Brain Injury
Providers Council
Michigan Citizen Action
Michigan College of
Emergency Physicians
Michigan Consumer
Federation
Michigan Dental Association
Michigan Health & Hospital
Association
Michigan Home Health
Association
Michigan Nurses Association
Michigan Orthopaedic Society
Michigan Orthotics and
Prosthetics Association
Michigan Osteopathic
Association
Michigan Paralyzed Veterans
of America
Michigan Partners for
Patient Advocacy
Michigan Protection and
Advocacy Service
Michigan Rehabilitation
Association
Michigan State AFL-CIO
Michigan State
Medical Society
Michigan Tribal Advocates
UAW Michigan CAP

TESTIMONY - MI. House Judiciary Committee House Bill 4845

Submitted by Michael F. Dabbs
President, Brain Injury Association of Michigan
Spokesperson, Coalition Protecting Auto No-Fault

June 3, 2009

Good morning. I am Michael Dabbs, President of the Brain Injury Association of Michigan and Spokesperson for the Coalition for Protecting Auto No-Fault.

Before I begin I would first like to thank you for giving me the opportunity to speak to you about this important bill - thank you.

Michigan's Revised Judicature Act contains tolling provisions that are aimed at protecting those who - because of age or mental incompetence - are unable to protect themselves. However, the 2006 Supreme Court ruling *Cameron v. Auto Insurance Association* disregarded the original intent of the legislature and prevented the Revised Judicature Act from being applied to Michigan's no-fault law.

The Cameron Decision has left those who cannot care for themselves - children and the mentally disabled accident victims - responsible for filing a written notice of claim or a lawsuit within one year of their most recent allowable expense.

This one-year statute of limitations without tolling provisions for minors and the mentally disabled creates a legal trap that results in an unfair loss of life-sustaining no-fault benefits.

Consequently, minors and mentally disabled are denied the care to which they are entitled. So instead of the insurance industry paying for the health care costs of their accident victims, costs are shifted onto the health care industry, where costs are already skyrocketing, and onto Michigan taxpayers through the Medicaid system.

House Bill 4845 corrects the injustice caused by the Cameron Decision by restoring the original intent of the legislature and allowing tolling provisions within Michigan's no-fault law for children and the mentally incompetent.

On behalf of more than 30 CPAN members - consisting of health care and consumers' rights groups from across the state, each with thousands of individual members - we strongly urge this committee to support House Bill 4845.

Thank you.